

IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
NEBRASKA

MICHAEL FERGIN, and ACE AMERICAN  
INSURANCE CO.,

Plaintiffs,

**8:16CV26**

vs.

WESTROCK COMPANY f/k/a ROCKTENN;  
MAGNUM LTL, INC.; XPO f/k/a/  
JACOBSON WAREHOUSE COMPANY,  
INC.; and MAGNUM DEDICATED, INC.,

Defendants.

**ORDER**

This matter is before the Court following a telephone conference held with counsel for the parties on May 9, 2018, to discuss certain case progression issues. Counsel for the plaintiff, Michael Fergin, asserts he has been unable to take any depositions and requests permission and time to do so. Counsel for defendant XPO requests an extension of the deadline to file a motion for summary judgment. Under the circumstances, and in light of the pending motions, the Court found that the pretrial conference and trial should be continued at this time. Accordingly,

**IT IS ORDERED:**

1. The Final Pretrial Conference scheduled for May 21, 2018, and the Trial currently scheduled to commence June 19, 2018, are canceled, and will be re-set by further order of the court.
2. Within 14-days of the Court's ruling on the Magnum defendants' Motion for Summary Judgment ([Filing No. 146](#)), the parties shall meet and confer and submit to the undersigned magistrate judge a joint proposed amended case progression schedule. If the parties cannot jointly agree, or if there are other unresolved issues, the parties shall request a telephone conference with the undersigned magistrate judge.

Dated this 10<sup>th</sup> day of May, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge